

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE	§	
	§	
DFW BOAT SPECIALISTS, LLC	§	Case no.23-40316-11
	§	
	§	
	§	CHAPTER 11
DEBTOR	§	

ORDER ON EMERGENCY MOTION TO COMPEL DELIVERY OF FUNDS

CAME ON to be considered this day the Motion of DFW Boat Specialists, LLC., Debtor in the above styled and numbered cause to Compel Delivery of Funds (“Motion”). The Court having reviewed the Motion, the Objection to the Motion and having heard testimony of witnesses and argument of counsel finds:

1. Westlake Financial (“Westlake”) is in possession of funds of the Debtor;
2. Westlake is in possession of funds of the Debtor that constitute proceeds of the collateral of another secured creditor;
3. Westlake has no claims against the Debtor;
4. Westlake’s actions constitute a violation of the Bankruptcy Code.

It is accordingly,

ORDERED ADJUDGED AND DECREED that Westlake shall immediately turn over the funds in the amount of \$18,090.66 (“Funds”) to the Debtor. It is further,

ORDERED, ADJUDGED AND DECREED in the event Westlake fails to turn over the Funds to the Debtor by 5:00 p.m. central time of March 9, 2023, counsel for the Debtor shall

file notice with the Court. It is further,

ORDERED, ADJUDGED AND DECREED if the notice is so filed with the Court that the Funds have not been turned over, the Court will set a contempt hearing on March 14, 2023 at 10:00 a.m. to consider the appropriate sanctions against Westlake, which sanctions may include, attorneys fees of both the Debtor and the secured creditor, interest and any other monetary or non monetary sanction determined appropriate by the Court.

Signed on 03/07/2023

Brenda T. Rhoades

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HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE